

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)
Plaintiff,) Civil Action Case No. 1:18-cv-06447
v.) Judge Durkin
WILLIAM MULLINS,)
Defendant.)

**PLAINTIFF'S MOTION TO CONTINUE
DEBTOR'S EXAMINATION AND FOR EXTENSION OF TIME
TO PRODUCE AND PERMIT INSPECTION AND COPYING OF DOCUMENT**

Plaintiff and Counter-Defendant, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, moves to continue the Debtor’s examination scheduled for May 12, 2021 and for an extension of time to produce and permit inspection and copying of documents pursuant to the Citation to Discover Assets (the “Citation”). In support, the Plaintiff states as follows:

1. On April 20, 2021, the Clerk of Court issued the Citation, which directs the Plaintiff to be examined under oath on May 12, 2021 at 9:30 a.m. and to produce and permit inspection and copying of documents at the examination.

2. The Plaintiff is a California limited liability company whose principal member resides out of state.

3. Due to the broad scope of the materials requested in the Citation, the Plaintiff needs additional time to compile documents for inspection and copying by the Defendant. Moreover, given the relatively short lead time between the issuance of the Citation and the Debtor's examination (22 days), the Plaintiff requires additional time to make logistical arrangements

necessary to appear for the debtor's examination and to obtain local counsel to represent the Plaintiff at such examination.

4. Federal Rule of Civil Procedure 6(b)(1) states that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice of the court acts, or if a request is made, before the original time or its extension expires.” Fed. R. Civ. P. 6(b). Here, good cause exists for the requested extension, as the Plaintiff is a foreign company that requires additional time to comply with the Citation and to obtain local counsel. Moreover, the Plaintiff has not requested prior extensions of the deadlines set forth in the Citation and the relief requested in this motion is submitted in good faith and not for purposes of delay. Consequently, the Plaintiff requests that the Court (1) provide the Plaintiff with a thirty (30) day extension during which to compile and make responsive documents available for inspection and copying, and (2) reschedule the debtor's examination, if necessary, for a mutually convenient date and time following production of the documents requested in the Citation.

5. Counsel for the Plaintiff certifies that he has conferred in good faith with counsel for the Defendant regarding the relief requested in this motion, and that the Defendant we have attempted to confer but have not yet ascertained whether the Defendant consents to the relief requested.

WHEREFORE, Plaintiff respectfully requests the Court (1) provide the Plaintiff with a thirty (30) day extension during which to compile and make responsive documents available for inspection and copying, and (2) reschedule the debtor's examination, if necessary, for a mutually convenient date and time following production of the documents requested in the Citation.

Dated: May 13, 2021

Respectfully submitted,

Boroja, Bernier & Associates, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that May 13, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Joel A. Bernier